

Congress of the United States

Washington, DC 20515

November 13, 2023

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden:

Last week, FBI Director Christopher Wray warned the American people that the actions of “ Hamas and its allies ” are creating a threat to the United States homeland, “ the likes of which we haven't seen since ISIS launched its so-called caliphate several years ago. ”¹ Hamas's allies include Iranian-backed Hezbollah and Iran itself, who have praised Hamas' recent attacks on Israeli military personnel and against thousands of Israeli civilians.² Director Wray's statement comes just as United States Customs and Border Patrol reports that dozens of Syrian and Iranian nationals have been arrested trying to cross the southern border in the past month, following a record-breaking number of encounters of FBI terror watch list suspects at the southern border in Fiscal Year 2023.³

If there was ever a moment to pause and reevaluate the potential impact of every U.S. policy choice on our national security, this is the time. We are concerned that there may be potential unintended national security consequences of an imminent Food and Drug Administration (FDA) rule banning menthol in cigarettes at this time.⁴ If the ban goes into effect, many of the millions of American menthol cigarette consumers may find a way to continue smoking by likely turning to the illicit market.⁵ This is especially so, considering the current regulated menthol market in the U.S. is worth approximately \$30 billion.

It is well-documented that Hezbollah is a leader in the illicit cigarette trade – not halfway around the world but right here in the Western Hemisphere.⁶ There have been cases in which Hezbollah and Hamas cells have smuggled cigarettes into the United States to send the revenue overseas.⁷ Given Hezbollah's established cigarette business and its ties to the Mexican drug cartels, we cannot discount the potential for this FDA-proposed rule to open a massive revenue stream for this Hamas-allied foreign terrorist organization.

¹ CBS News, “ FBI Director Christopher Wray warns Congress of terror threats inspired by Hamas' attack on Israel ”, 10/31/23, <https://www.cbsnews.com/news/fbi-director-christopher-wray-hamas-attacks-israel-terror-threats/>

² Congressional Research Service, “ Israel and Hamas: Major Conflict After Surprise Attacks ”, 10/12/23, <https://crsreports.congress.gov/product/pdf/IN/IN12262>

³ Fox News, “ Thousands of 'special interest aliens' from Middle East countries stopped at southern border since 2021: data ”, 10/10/23, <https://www.foxnews.com/politics/thousands-special-interest-aliens-middle-east-countries-stopped-southern-border-2021-data>

⁴ Fox News, “ Ex-law enforcement officials warn Biden's menthol cigarette ban could 'create a vacuum' for Mexican cartels ”, 11/6/23, <https://www.foxnews.com/politics/ex-law-enforcement-officials-warn-bidens-menthol-cigarette-ban-create-vacuum-mexican-cartels>

⁵ Orange County Register, “ California's menthol ban: New report reveals a failed experiment ”, 10/19/2023, <https://www.ocregister.com/2023/10/19/californias-menthol-ban-new-report-reveals-a-failed-experiment/>

⁶ The Institute for National Security Studies, “ Hezbollah and the Counterfeit Goods Industry ”, 05/2023, https://inss.org.il/strategic_assessment/hezbollah-and-the-counterfeit-goods-industry/

⁷ Jerusalem Post, “ Alleged Hezbollah, Hamas men in NY smuggling ring ”, 5/17/2013 <https://www.jpost.com/international/alleged-hezbollah-hamas-men-in-ny-smuggling-ring-313433>

Despite the extent of cigarette smuggling and the use of illicit profits to fuel criminal enterprises, it does not appear any U.S. government agency has considered the threat of this FDA proposal on American security, let alone developed a mitigation plan. It would be concerning to move forward with this rule without considering the potential for foreign terrorist and criminal organizations, such as Hezbollah or Hamas, to generate revenue and fuel their operations in the wake of a ban on menthol cigarettes.

While the U.S. lends support to Israel and works to defeat terrorism, we urge you to pause this FDA-proposed rule and potential Hezbollah-financing scheme until Congress can get answers from the Administration on its national security implications. We cannot afford to take our national security for granted.

Sincerely,



Andrew R. Garbarino
Member of Congress



Jared Moskowitz
Member of Congress

CC:

The Honorable Shalanda Young, Director, Office of Management and Budget

The Honorable Mike Johnson, Speaker, United States House of Representatives

The Honorable Hakeem Jeffries, Democratic Leader, United States House of Representatives

The Honorable Charles Schumer, Majority Leader, United States Senate

The Honorable Mitch McConnell, Republican Leader, United States Senate